

**PLANNING & ZONING COMMISSION  
MEETING  
JUNE 27, 2006**

**Present:**

Sarah Murphy, Chairman  
Bill Talley – Vice Chairman  
Allan Feldman  
Derryll Anderson  
Mike Menchinger

**Call to Order**

Chairman Murphy called the June 27, 2006 meeting to order. She said that the first item on the agenda was approval of two sets of minutes from the May 23, 2006 meeting and June 13, 2006 called meeting. There were no changes.

Chairman Murphy called for a motion on the May 23, 2006 meeting minutes.

***Motion:*** Vice-Chairman Talley motioned to approve the minutes of May 23, 2006 meeting.

***Second:*** Commissioner Anderson seconded the motion.

***Vote:*** Unanimous

Motion carried.

Chairman Murphy called for a motion on the June 13, 2006 called meeting minutes.

***Motion:*** Commissioner Anderson motioned to approve the minutes of June 13, 2006 called meeting.

***Second:*** Commissioner Feldman seconded the motion.

***Vote:*** Unanimous

Motion carried

**Target, 107 Pavilion Parkway – Revised Development Plans & Variance from (Sec. 94-483) – File # 94-039.04**

Chairman Murphy called on staff for an update on this project, which came before this commission last month. Mr. Gunn stated that the applicant is proposing to expand the Target Store. The existing store is approximately 116,000 square feet in gross floor area, and the applicant is proposing to add approximately 9,000 square feet that would be used primarily for office use. The expanded area would be constructed on the front of the store and that would push the front of the building approximately 25 feet into the drive area. The work would consist of reconfiguring the drive aisle and removing some of the parking. Two lighting fixtures would be relocated to other locations on site. The drive aisle would be paved to allow for heavy duty paving and the creation of plaza space. Mr. Gunn added that the applicant proposes to eliminate parking near the east side of the building to

concrete paving and a regular asphalt paving. Mr. Gunn said that at the work session several issues were brought up and the applicant was asked to get a letter from the neighboring stores stating that they did not have a problem with the expansion. The applicant was also asked to inform the property owner and get a letter of approval from the property owner regarding the work that was going to be done on this site. He added that the applicant got a letter of approval from the property owner to do the work proposed. They were asked to explore the option on the rear of the site, and they looked at that option and could not work that out. All of staff's comments have now been met. Staff recommended approval.

Chairman Murphy asked staff about the additional green space.

Mr. Gunn said that they have addressed that issue.

Chairman Murphy called on the applicant for further comments.

Mr. Mack Elrod represented this project. He did not have any new information. He would like to let the commission know that their concern regarding the red wall was taken care of and new plans were submitted eliminating the red wall.

Commissioner Anderson asked the applicant if they were planning to have the red bollards in front of the store.

Mr. Elrod said yes.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Commissioner Feldman asked the applicant if he got a letter from Freidman's.

The applicant said that they did not need to because their approval came from the property owner (Inland Management).

Mr. Gunn added that the commissioners had asked staff to look at the development agreement and if it mentioned that they needed to go to City Council for approval. The development agreement states that the Planning and Zoning Commission would approve any changes to the elevations.

Mr. Elrod said that Target also has a private agreement with Inland and Home Depot and they have to sign off to amend Target's OEA agreement and even if this were approved by the City, Target could not do any work until the OEA agreement is signed.

Chairman Murphy asked what that agreement covers.

The applicant said that it covers any improvements they would like to make to the property.

Vice-Chairman Talley said that his main concern was the approval from the property owner and that was taken care of.

Chairman Murphy said she had some concern about a variance for the reduced required parking spaces, because the applicant was creating the hardship by revising its site.

Chairman Murphy called for a motion on the variance.

**Motion:** Vice-Chairman Talley motioned to approve the variance from Section 94-483 to reduce the parking required parking spaces.  
**Second:** Commissioner Anderson seconded the motion.  
**Vote For:** Vice-Chairman Talley, Commissioners Anderson and Menchinger  
**Opposed:** Commissioner Feldman

Motion carried.

Chairman Murphy called for a motion on the revised development plans.

**Motion:** Vice-Chairman Talley motioned to approve the revised development plans for Target Stores.  
**Second:** Commissioner Anderson seconded the motion.  
**Vote For:** Vice-Chairman Talley, Commissioners Anderson and Menchinger  
**Opposed:** Commissioner Feldman

Motion carried.

**Burks Square, 235 & 245 South Glynn Street – Revised Development Plans**  
**File # 05-022.02**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is requesting to revise the previously approved development plans for the properties located at 235 and 245 South Glynn Street. The properties will still be developed as a mixed use development that will include office space, retail and residential units. However, the applicant would like to change the plans slightly on the rear of the property to allow four smaller buildings instead of the two larger buildings that were originally proposed. Mr. Gunn added that two historic homes are located on this site, the former antiques stores, and those historic homes will be saved. New structures, with compatible architecture, will be constructed within the mixed use development (behind the existing structures). This change will better enable the applicant to meet the market demand for these types of units. He said that, as originally planned, the former Mowell Funeral Home house would be moved to this site and preserved. All of the structures will share parking and the parking lot is envisioned to connect to the Travis house to the north and to potential new development or redevelopment to the south. Mr. Gunn informed the commission that this development was previously granted three variances that will still be in effect: one for reducing the setbacks to zero (Sec. 94-227); the second to eliminate the highway corridor buffer (Sec. 42-71), and the third to reduce the parking spaces from one parking space for every 200 square feet to one parking space for every 400 (Sec. 94-483). Mr. Gunn added that the revised site plan might cause a slight increase in the impervious surface. The applicant assured staff that it wouldn't change any of the drainage and that the detention pond is large enough to maintain. Staff recommended approval.

Chairman Murphy called on the applicant for further comments.

Mr. Bob Barnard represented this project. He said that he did not have anything new to add.

Commissioner Feldman asked to see the elevations for the additional buildings.

Mr. Barnard said that he would bring the elevations for each individual building back for Planning and Zoning approval.

Mr. Gunn added that the commission is approving the revised development plans at this time, not any of the elevations.

Chairman Murphy added that they should make that a condition on the approval.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Commissioner Anderson asked for the location where the Mowell House would be located.

Mr. Barnard showed the location where the Mowell building would be, and added that the building will be moved on August 1, 2006 at 11:00 p.m. He said they might have to take down one tree on Mowell property to move the building out of there.

Chairman Murphy called for a motion.

**Motion:** Commissioner Feldman motioned to approve the revised development plans for Burk Square.

**Second:** Vice-Chairman Talley seconded the motion.  
Chairman Murphy added a friendly amendment that the approval be conditioned upon the applicant bring back the individual elevations to be approved by the Planning and Zoning Commission.  
Friendly amendment accepted.

**Vote:** Unanimous

Motion carried.

**Jeff Davis Intown, North Jeff Davis Drive – Revised Development Plans & Elevations – File # 00-010.05**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the site development plans for the Jeff Davis Intown Condominiums were approved in August of 2002 for a mixture of buildings containing townhouses and buildings containing flats or garden units. Mr. Gunn added that the applicant is requesting to revise his site plan so that three buildings can be constructed on the north side of the property where only two were originally proposed. He said that the parking would also be revised although the number of parking spaces will not be altered. Revised elevations for the flats buildings were approved

in November of 2003, and then in June of 2005 the applicant was allowed to substitute one of the townhouse buildings with one of the flats buildings due to the increased demand for the flats. Mr. Gunn added said that this has been a work in progress as the applicant has attempted to meet the market demand. The parking would be changed from one side to another. He said the reason he mentioned the parking is that the City recommended parallel parking as apposed to angle parking to accommodate the people who have garages. They need a minimum of 24 feet clear space behind the garage to meet our ordinance. Although 26 feet is shown, the lengths of the angle spaces are too short. The applicant was told that the fire hydrant in front of the buildings needed to be raised. Balcony will require engineered drawings on Building K. Mr. Gunn added that because this development was planned one way and is being revised, staff asked applicant to inform the residents of the changes and because there were some concerns from residents who lives there. The applicant sent out a letter to the community and set up a specific time when he could speak with the residents about the changes. There is a detention area along the northern border of the site and staff checked with the City Engineer just to make sure it was as originally planned. Some of the parking has been shifted from the south side of the building to the north side. Staff recommended approval.

Chairman Murphy asked staff if there were any outstanding issues.

Mr. Gunn said there were no outstanding issues.

Chairman Murphy called on the applicant for further comments.

Mr. Alex Thompson represented this project. He said he did not have anything to add.

Chairman Murphy called for public comments. There was no public comment.

Commissioner Menchinger asked how many people showed up at the meeting to discuss the proposed changes.

Mr. Thompson said only one; the only one that had expressed some concerns and she is now satisfied. He said that he also mentioned the changes to people as he saw them, and they said that it looked good to them.

Vice-Chairman Talley said that staff pulled the minutes of the previous meeting and it did not limit the applicant to what mix the applicant builds.

Chairman Murphy said that it was confirmed that there is no development agreement for that project.

Vice-Chairman Talley asked if there were anything in the civil covenant that restricts the number of flats versus town homes.

Mr. Thompson said that the only restriction is that no more than 20% of the total could be rental units.

Commissioner Feldman did not think that the applicant should revise the plans because what was approved is not selling. The applicant should build what was approved and what the home-owners bought into. He did not like the way the parking was laid out.

Chairman Murphy said that it was the home-owners' concerns, expressed at the work session, that caused the commission to direct the applicant to go out and notify all of the home-owners of exactly what he is doing and give them an opportunity to meet with him and talk about it. She added that the applicant had established that he sent out a notice and scheduled a meeting and that after that meeting no home owner has shown up tonight to object to the changes. As far as she is concerned the home-owners are satisfied.

Chairman Murphy asked the applicant if he sent the memo to all home-owners.

Mr. Thompson said 100%.

Chairman Murphy called for a motion.

**Motion:** Commissioner Anderson motioned to approve revised development plans and elevations for Jeff Davis Intown.  
**Second:** Vice-Chairman Talley seconded the motion.  
**Vote For:** Vice-Chairman Talley, Commissioners Anderson and Mechinger  
**Opposed:** Commissioner Feldman

Motion carried.

**Discovery Point Day Care # 161, Jimmie Mayfield @ Bradley Road – Development Plans – File # 06-010**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct a daycare center on a two-acre site located at Jimmie Mayfield and Bradley Road. The property is currently vacant and is zoned OI Office and Institutional. Daycare centers are allowed in this zoning district. The City requires a canopy for daycare centers to allow the kids to be dropped off. Landscaping would be provided throughout the site and there is a buffer requirement along Jimmie Mayfield which they meet. Mr. Gunn added that staff had several concerns at the work session; the applicant has now addressed all of those concerns. One of the things the commission had asked staff to look at is that the daycare would be sharing a drive with the adjoining property to the west; the City Engineer said that he did not have a problem with them sharing a drive or with the stacking of cars. They needed to provide eight foot sidewalk; but the City asked instead of them installing the sidewalks, that they contribute to the sidewalk funds so that work could be coordinate with the proposed Jimmie Mayfield widening project. The applicant was asked to make some changes to the elevations and they have submitted black and white elevations. Staff recommended approval contingent on them meeting all of those requirements.

Chairman Murphy asked if there were color elevations and samples, and what has changed on the elevations.

Mr. Gunn said that there are color samples and black and white elevations.

Chairman Murphy called on the applicant for further comments.

Mr. Gene Eisenberg represented this project. He said that he was asked to add dormers which they did.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Commissioner Feldman said his only concern is the traffic flow like Vice-Chairman Talley said it is a nightmare at the Kids R Us.

Vice-Chairman Talley said that his concern was the stacking and if Rolader is okay with them stacking on his property then he did not have a problem with that.

Commissioner Feldman thought that it was going straight out to Bradley.

Mr. Gunn said that it was not going on Bradley; they have a shared access.

Chairman Murphy called for a motion.

**Motion:** Vice-Chairman Talley motioned to approve development plans for Discovery Daycare #161.

**Second:** Commissioner Anderson seconded the motion.  
Chairman Murphy offered a friendly amendment that the applicant be required to submit colored elevations.  
Friendly amendment accepted.

**Vote:** Unanimous

Motion carried.

**Discovery Point Day Care # 163, Highway 314 & New Hope Road - Development Plans – File # 06-011**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant asked to have this project table so they could work on staff's comments.

Chairman Murphy called for a motion.

**Motion:** Commissioner Feldman moved to table the development plans for Discovery Point Daycare Center # 163 until the next meeting.

**Second:** Commissioner Menchinger seconded the motion.

**Vote:** Unanimous

Motion carried.

**Popeye's Restaurant, 242 Banks Crossing – Revised Development Plans & Special Exception (Sec. 94-168) – File # 06-013**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is trying to work out the parking agreement with the owners of the shopping center and they have not worked that out yet. They have applied for a parking variance so would like to table this project until next meeting.

Chairman Murphy asked if there were anyone present from Popeye's. There was no representation since this was going to be tabled until next month. She then called for public comments. There were none. She then called on the commissioners. There were comments from the commissioners.

Chairman Murphy called for a motion.

***Motion:*** Commissioner Feldman moved to table the development plans for Popeye's Restaurant until the next meeting.  
***Second:*** Commissioner Anderson seconded the motion.  
***Vote:*** Unanimous

Motion carried.

**KFC Restaurant, Banks Road & Highway 314 – Development Plans & Special Exception (Sec. 94-167) 0 File # 06-014**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that the applicant is proposing to construct a 120 seat fast food restaurant along Highway 314 and Banks Road. The site is approximately one and half acre and is located behind Eckerd's. Parking and circulation will be provided at and around the site with an entrance off Highway 314. They would share a drive with the existing Eckerd's and inter-parcel access will allow a connection with the Applebee's and Chucky Cheese restaurants. The applicant was given staff's comments to address, and they have addressed all of those comments. They have applied for a special exception for the drive-thru. Staff has no problems with that so staff recommended approval of the development plans and the special exception. Mr. Gunn added that the commission might want to look at the elevations because they had comments on the elevations and would want to make sure that all of the changes have been made.

Chairman Murphy called on the applicant for further comments.

Ms. Nan Wilcox with Harkleroad & Associates represented this project. She said that they did provide revised elevations taking into consideration the comments from the work session. She added that the parent company did give them some options instead of the red with white stripe, the options for the coupler and awnings as shown on the board that was submitted. Ms. Wilcox said that they submitted two choice; first option and second option. They would prefer option one but option two is acceptable.



Vice-Chairman asked if it was illuminated from within.

The applicant said it was not; that it was just a metal cupola.

Chairman Murphy said that the applicant needed to change the elevations because the notes say that the cupola is illuminated from within.

The applicant said that is not a problem, they would resubmit the elevation.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion on the special exception.

**Motion:** Vice-Chairman Talley motioned to approve the special exception for the drive-thru.

**Second:** Commissioner Feldman seconded the motion.

**Vote:** Unanimous

Motion carried.

Chairman Murphy called for a motion on the development plans.

**Motion:** Vice-Chairman Talley motioned to approve the development plans with the note in reference to the illuminated cupola and awnings would be deleted from the elevation plans and the Planning and Zoning Commission have chosen option two as provided by the applicant on the cupola and the awning colors.

**Second:** Commissioner Anderson seconded the motion.

**Vote:** Unanimous

Motion carried.

### **Hampton Inn, 110 Meeting Place Drive – Revised Site Plan - File # 99-024.06**

Chairman Murphy called on staff for an update on this project. Mr. Gunn stated that when staff goes out to inspect properties for their certificate of occupancy, staff goes by what is approve and on the plans, or minutes and any conditions that have been placed on the project by the Planning and Zoning Commission or City Council. When staff when out to inspect the Hampton Inn, they had several things they needed to address, but they were able to address all of of those except for one and that was an area in front where they have done paving instead of landscaping. Staff allowed them to have their CO and open for business but they needed to come back and get approval from the Planning and Zoning Commission to make the changes to the site plans to allow the pavers; otherwise, they would have to pull them up and plant the landscape. He showed pictures of the area that had the pavers and the applicant has added some furniture out there which is in keeping with what was suggested at the work session.

The commission said that the applicant was told to add benches and planters.

Chairman Murphy called on the applicant for further comments.

Mr. Bill Weatherford represented this project. He said that there is not enough room for benches and planters because of the furniture that is already out there for the guests to use and that there is a cut through so people wanting to go to the parking lot could walk there. They do not have to jump over the landscaped area.

Vice-Chairman Talley said that there needed to be some kind of planters in the corner just to define that this is a separate area.

There were some discussions on what should be there.

Mr. Weatherford asked the commission when they say planters, what did they mean.

It was decided that approximately three feet in height so no one could jump over it.

Commissioner Feldman said that planters are expensive and could be moved; he said that he decided that the most economical and best looking would be a hedge approximately three feet tall.

The applicant added that the idea in the future is to put a wrought iron fence around it.

The commission liked that idea and thought it would look really good

The applicant said he would like to do the planters for now and the fence later because of monetary funds.

Vice-chairman Talley said that as long as the hedge is equal in height and density to the planters.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. The commissioners did not have anything to add.

Chairman Murphy called for a motion.

**Motion:** Commissioner Feldman motioned to approve the revised development plans for Hampton Inn and that the area of pavers is surrounded by either concrete box or three foot continuous hedge and staff to approve which ever of the two choices the applicant decided to go with, with the work to be done within 90 days.

**Second:** Commissioner Anderson seconded the motion.

**Vote:** Unanimous

Motion carried.

### **Staff Reports**

Mr. Gunn said there were no staff reports and wished everyone a happy 4<sup>th</sup> of July.

Chairman Murphy asked if anyone had anything to discuss with the Commission.

Commissioner Feldman said there are quite a few dumpsters that are in violations and he would make a list and give it to staff.

Chairman Murphy called for a motion to adjourn.

***Motion:*** Commissioner Feldman motioned adjourn the June 27, 2006 meeting.

***Second:*** Commissioner Menchinger seconded the motion.

***Vote:*** Unanimous

Motion carried.

Meeting was adjourned.

Respectfully Submitted,

Bibi Alli  
Staff Assistant